

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES A. JEFFERSON a/k/a  
JAMES JOHNSON,

Plaintiff,

v.

DR. ALI HUSAIN, et al.,

Defendants.

CIVIL ACTION  
NO. 14-2485

**ORDER**

**AND NOW**, this 31st day of March 2016, upon consideration of the Motion for Summary Judgment filed by Defendants Officers Ford and Franklyn (Doc. No. 36), Plaintiff's Response (Doc. No. 38), the Motion for Summary Judgment filed by Defendants Albert Einstein Medical Center, Albert Einstein Healthcare Network, Albert Einstein Medical Associates, Inc., Albert Einstein Medical Practitioners, Inc. (collectively, the "Einstein Defendants") and Dr. Ali Husain (Doc. No. 37), Plaintiff's Response (Doc. No. 39), and the Reply filed by the Einstein Defendants and Dr. Ali Husain (Doc. No. 40), and in accordance with the Court's Opinion issued this day, it is **ORDERED** as follows:

1. The Motion for Summary Judgment filed by Defendants Officer Orville Ford and Officer Jannelle Franklyn (Doc. No. 36) is **GRANTED** in its entirety. Counts IX and XII are dismissed and Officers Ford and Franklyn are dismissed as Defendants in this case.
2. The Motion for Summary Judgment filed by the Einstein Defendants and Dr. Ali Husain (Doc. No. 37) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. The Motion for Summary Judgment on Count I for Breach of Physician-Patient Confidentiality against Dr. Ali Husain is **DENIED**;
- b. The Motion for Summary Judgment on Count II for a Violation of Pennsylvania Confidentiality of HIV-Related Information Act, 35 P.S. § 7601, et seq. against Dr. Ali Husain is **DENIED**;
- c. The Motion for Summary Judgment on Count III for a Violation of the Fourteenth Amendment Right to Medical Privacy under 42 U.S.C. § 1983 against Dr. Husain is **DENIED**;
- d. The Motion for Summary Judgment on Count IV for Vicarious Liability for a Breach of Physician-Patient Confidentiality against the Einstein Defendants is **DENIED**;
- e. The Motion for Summary Judgment on Count V for Vicarious and Direct Liability for a Violation of Pennsylvania Confidentiality of HIV-Related Information Act, 35 P.S. § 7601, et seq. against the Einstein Defendants is **DENIED**; and
- f. The Motion for Summary Judgment on Count VI for Vicarious Liability for a Violation of the Fourteenth Amendment Right to Medical Privacy under 42 U.S.C. § 1983 against the Einstein Defendants is **GRANTED**.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.